

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003128



PCT 10/532639

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 20330PC TFE	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003128	International filing date (day/month/year) 22 octobre 2003 (22.10.2003)	Priority date (day/month/year) 22 octobre 2002 (22.10.2002)
International Patent Classification (IPC) or national classification and IPC C10L 1/06		
Applicant TOTAL FRANCE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06 mai 2004 (06.05.2004)	Date of completion of this report 10 February 2005 (10.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-18 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-33 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-33	NO
Inventive step (IS)	Claims		YES
	Claims	1-33	NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: FR-A-2 830 259;
D2: US-A1-2002 045785;
D3: WO-A-02 22766;
D4: WO-A-01 70914;
D5: EP-A-1 266 949;
D6: Excerpts from the Encyclopaedia "Römpp Online",
Chapters entitled "Paraffine" (Dokumentenken-
nung RD-16-00298) and "Alkane" (Dokumentenken-
nung RD-01-01460), Georg Thieme Verlag, March 2002,
downloaded from the Internet.

2. The international application claims the right of
priority of the application, FR-A-0 213 167. It
should be noted that this right of priority is valid
with respect only to claims 1, 2, 6-13, 15, 16, 20,
22 and 24-33. Said right of priority cannot be
claimed with respect to claims 3-5, 14, 17-19, 21
and 23, for the following reasons:

2.1 Claims 3, 4, 14, 17, 18, 21 and 23: at least one of
the values defining the range of values is not
disclosed in the priority application.

2.2 Claims 5 and 19: no cycloparaffins are mentioned in the priority application.

2.3 In order for a claim to benefit from a priority date, the subject matter of said claim must be disclosed in the priority document, in other words, the subject matter of the claim must not extend beyond the disclosure in the priority document (see the PCT Guidelines, V-2.4 and VI-7.9). The aforementioned claims do not fulfil this requirement.

3. As far as claims 3-5, 14, 17-19, 21 and 23 are concerned, document D1 is considered to be part of the prior art under the terms of PCT Rule 64.1. Said document discloses (cf. tables 1-3, in particular, fuels C7, C10, C14 and C18, and page 12, line 6 to page 13, line 9) compositions containing a first hydrocarbon base (B1) consisting of isoparaffins C6-C9 (referred to as B2 in the international application), a second hydrocarbon base (B2) consisting of isoparaffins C4-C5 (referred to as B1 in the international application), a third hydrocarbon base (B3) consisting of cycloparaffins C5-C8, and a fourth hydrocarbon base (B4) consisting of aromatics C6-C8 (referred to as B3 in the international application). The cited fuels contain 0.56 g Pb/l. The concentrations and proportions of said hydrocarbon bases present in said compositions are such that the subject matter of claims 3-5, 14, 17-19 and 21 is not novel under the terms of PCT Article 33(2).

3.1 It should be noted that, in order to calculate the

isoparaffin content as well as the ratio between the various isoparaffin fractions, any cycloparaffin content must be ignored. In the field of chemistry, it is accepted that the term "isoparaffins" has a meaning different to that of the term "cycloparaffins" (see document D6).

4. Document D2 (see the passages cited in the international search report, in particular, examples 34-36) discloses unleaded fuels containing triptane (2,2,3-trimethylbutane) and isopentane. Moreover, D2 discloses uses of said fuels like the uses defined in claims 30, 31 and 33. In light of D2, the subject matter of claims 1-4, 6-18, 20-24, 26-31 and 33 is not novel (PCT Article 33(2)).
5. Document D3 (see the passages cited in the international search report, in particular, table 2, blends 1, 3 and 4) discloses unleaded fuels for spark-ignition engines in aircraft, which fuels contain triptane, isopentane and a cut referred to as the "cut reformat" containing mainly toluene and xylenes. Said disclosure falls within the disclosure in claims 1-4, 6-11, 13-18, 20-25, 28-30 and 33. As a result, said claims are not novel.
6. Document D4 is a Japanese language international application and EP-A-1 266 949 (D5) is the English-language translation thereof for the purpose of the regional phase before the EPO. Document D5 will be used for the examination of novelty and inventive step. Said document discloses (examples 1 and 7) unleaded fuels that can be used not only in internal combustion engines but also in fuel cells. Said disclosure falls within the disclosure in claims

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1-4, 6-8, 13, 15-18, 20, 22-24, 29 and 32. As a result, the subject matter of said claims is not novel.